In the High Court of Judicature at Madras

Dated:22.03.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM

and

The Hon'ble Mr. Justice J.A.K. SAMPATHKUMAR

Habeas Corpus Petition No.102 of 2006

R. Kandasami .. Petitioner

vs.

1. State by
   Sub-Inspector of Police
   Tiruppur Rural Police Station
   Tiruppur.

2. Lakshmanan .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein.

For petitioner : Mr. T. Munirathnam Naidu

For respondents : Mr. Varadharajan
for Mr. Abudukumar Rajarathinam
Govt. Advocate (Crl.side) for R1

ORDER

(Order of the Court was made by P. SATHASIVAM,J.)

The petitioner, R. Kandasami has filed this petition for production of his wife Sivakami and minor son Vijayakumar, before this court and set them at liberty, on the allegation that she is under the control of the second respondent.

2. Pursuant to the direction of this Court, the detenue Sivakami, appeared before us. We enquired her. She denied the allegations made by the petitioner. According to her, due to misunderstanding between herself and her husband, namely, the

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petitioner herein, presently she is living with her parents. She also denied the allegations made against her with the second respondent.

3. Learned Government Advocate appearing for the first respondent informs this Court that there is no truth in the allegations made by the petitioner against the second respondent.

Taking note of the statement of the detenue, she being a major and of the fact that she is not under the illegal custody of anyone, including the second respondent, we are satisfied that there is no substance in the allegations made by the petitioner; accordingly, this petition is dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Sub-Inspector of Police
   Tiruppur Rural Police Station
   Tiruppur.

2. The Public Prosecutor,
High Court, Madras

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